institution of cases on account of increased awareness of rights on the part of the citizens, rise in pupulation, granting of adjournments, industrial development in the country, increase in trade and commerce and socio-economic matters, legislative and administrative aspect touching on the life of he citizens of all levels, tendency of litigants, lawyers' strike etc. The shortage of judges is one of the causes of huge arrears of cases in courts.

(d) Hon'ble Supreme Court, vide its judgement of 21st March, 2002 in All India Judges' Association & Others *Vs.* Union of India & Others has directed that increase in the judge strength from the existing ratio of 10.5 or 13 per 10 lakh people should be effected and implemented within a period of five years. The Supreme Court has also directed in the same case that all vacancies in the subordinate judiciary must be filled up by 31st March, 2003.

Central Government have addressed the State Government for taking necessary action in increase the judge strength as per the direction of the Supreme Court. As regards the directive to be complied with by the Central Government in respect of Union Territories, necessary action has been initiated.

The strength of judges in the Supreme Court is as per the Constitution of India. The review of judge strength of High Courts is undertaken once in every three years as per the norms prescribed on the basis of institution, disposal and pendency of cases in each High Court.

Model Family Courts Rules

1903. SHRI RAMA MUNI REDDY SIRIGIREDDY: Will the Minister of LAW and JUSTICE be pleased to state:

(a) whether it is a fact that his Ministry has formulated model Family Courts Rules;

(b) if so, the details of the rules framed;

(c) whether any consultation was done with the State Governments, High Courts and others; and

(d) if so, the details thereof?

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHY): (a) Yes, Sir.

(b) A copy of the Rules is given in the enclosed Statement (*See* below).

(c) and (d) Yes, Sir. A Committee consisting of the Law Secretaries or thier representatives from the states of Maharashtra, Jharkhand and Assam was formed along with a representative of the Departmet of Justice for framing of model Family Courts Rules. Law Secretaries of the Government of Tripura and Sikkim also participated in the deliberations.

The model Family Courts Rules were framed after taking into account the Rules of various States and recommendations of the Parliamentary Committee on Empowerment of Women in their Fifth Report on functioning of Family Courts. These Rules were circulated to all the State Governments and High Courts for guidance and for uniformity.

Statement

Model Family Court Rules

In exercise of the powers conferred by Section 23 of the Family Courts Act, 1984, the State Government in consultation with the concerned High Court may make the following rules:—

CHAPTER I

Preliminary

1. Short title and commencement:—

   (i) The rules may be called the Family Court Rules, 2002.

   (ii) These rules shall come into force on the date of notification.

   (iii) These rules shall apply to the family courts established under Section 3 of the Family Courts Act, 1984.

2. Definitions—In these rules, unless the context otherwise requires:—

   (a) "Act" means the Family Courts Act, 1984;

   (b) "Court" means Family Court established under Section 3 of the Act under Family Courts Act, 1984;

(c) "State Government" means the concerned State Government;

(d) "High Court" means the concerned High Court;

(e) "Service" means Higher Judicial Service of the State;

(f) "Judge" includes Principal Judge/Additional Principal Judge, and Judge of Family Court;

(g) All other words and expressions not defined in these rules shall have the same meaning as assigned to them in the Act.

CHAPTER II

Terms and conditions of Service of Judge of the Family Court

3. Service Conditions of Judge, Family Court.

(1) A Judge of a Family Court shall hold office for a term of five years from the date he assumes office or until he attains the age of sixty two years whichever is earlier.

(2) A Judge of the Family Court shall be entitled to the pay and allowances including travelling allowance, DA, leave as is admissible to a District Judge. In addition he shall also be entitled to a special pay of Rs. 800/- per mensem provided that pay and allowances of a judge who has retired from the service under the Central Govt. or State Govt. shall be regulated in accordance with the Central Civil Service (fixation of pay or re-employed) Pensioners Order, 1986 as amended from time to time or in State in accordance with pension rules of the State Government.

(3) The Judge shall be entitled to incur expenditure towards contingency to the extent of Rs. 5000/- per annum for refreshments served to litigating spouses and their children during conciliation proceedings

CHAPTER III

Association of Counsellors with Family Courts

4. Counselling Centre—There will be a centre of counselling attached with every Family Court or a group of Family Courts.

Composition—Counselling Centre may be divided into different units and may be located in such other place or places as the High Court may direct.

5. Appointment of Counsellors—Three Counsellors may be attached to every Family Court. The Counsellors will be appointed from the panel of Counsellors prepared by the Judge of the Family Court and approved by the High Court concerned. If it is required, a Principal Counsellor may be appointed out of the Counsellors so appointed who may be given a special pay of Rs. 500 p.m. for and above the rates payable to a Counsellor.

6. Qualifications—(1) A person shall not be appointed as a Counsellor unless he has attained the age of 35 years.

   (2) A person shall not be appointed as a Counsellor unless he has obtained a graduate degree in any of the Social Sciences including Sociology, Psychology, Clinical Psychiatry or law and has atleast two years experience in the field of social welfare or is associated with field work, research or teaching in Govt. Departments or in College, University or a similar academic institute in the areas of welfare of family or problems of women and children.

7. Payment of honorarium/fees to the Counsellors—The Counsellors shall be entitled to the payment of honorarium or fee at the minimum rate of Rs. 75/- per sitting for conciliation. In case of reconciled matter, he shall be paid Rs. 125/- per sitting. The number of sittings resorted for each case should not be more than four. In any case, the total honorarium/fees of a Counsellor shall not exceed Rs. 375/- per day.

8. Panel of Welfare Agencies/medical experts—The Court will also maintain a panel of Welfare Agencies or institutions specially in respect of matters relating to children in case of guardianship matters and may call them as required. They will also maintain a panel of medical experts for assisting the court. They will be paid fees @ Rs. 200/- per visit or as may be prescribed from time to time by the High Court.

9. Work by the Counsellors—The Counsellors may visit (periodically) the residences of the parties. They may also be entitled to

interview relatives, friends, acquaintances of parties or any of them in order to reconcile the dispute. The Counsellor may also visit Residence/House of the spouse in a reconciled matter periodically and submit his report to the judge.

CHAPTER IV

Appearance of legal practitioner or Advocate, Amicus Curiae in Family Courts

10. Appearance of Legal Practitioners or Advocates in the Family Court—Notwithstanding, anything contained in any Law, for the time being in force, no party to a suit or proceeding before a family court shall be entitled as of right to be represented by a Legal Practitioner or Advocate. Provided that if the Family Court considers it necessary in the interest of justice, it may seek assistance of a legal Expert as amicus curiae.

    Explanation—It does not preclude the family court from granting permission in the exercise of its discretion, where the circumstances justify, to a party to be represented by Legal Practitoner or Advocate.

11. Appointment of Amicus Curiae—A Judge will maintain a panel of legal experts as Amicus Curiae. At least a panel of five Amicus Curiae will be maintained by each Court. Panel of Amicus Curiae will be maintained out of the legal experts and also from the retired judges of local area who have expertise in the field. The Amicus Curiae shall be paid a fee by the State Governments in a case or proceeding which may be determined by the court not exceeding Rs. 500/- per day.

12. Party entitled to free legal advice—A party will be entitled to take legal advice at any stage of the proceedings before the court. A party in indigent circumstances will be entitled to free legal aid and advice from the State Legal Services Authority in accordance with the rules made thereunder by the State.

13. Panel of Lawyers for free legal advice—The court shall maintain a panel of Lawyers willing to render free legal aid and advice. A party entitled to free legal aid and advice will be entitled to select

any of the lawyers from the said panel provided the lawyer is available and willing to accept the case.

14. Circumstances entitling a party to legal aid—The circumstances under which such legal aid will be made available to a party shall be as determined by the Family Court Judge in each case.

CHAPTER V

Procedure in the Family Court

15. Filing of petitions-Every petition or application shall be accompanies by as many clear, authenticated copies thereof as there are respondents to be served and by 3 additional copies for the use of the court and by such papers as are referred to with petition or application. No court fee shall be levied for filing a petition.

(All proceedings instituted before the family court shall be by way of petition)

16. (i) Application of the Provision of the Civil Procedure Code, 1908 (Amended Act of 1976)—The provisions of Civil Procedure Code, as far as possible and, as the case may be, shall apply to the proceedings before the Family Courts.

(ii) Save as aforesaid, Chapter IX of the Criminal Procedure Code 1973 (Act No. II & 1974) shall apply in respecty of petitions filed before the Family Court.

Entrusting Court functions to private parties

1904. SHRI YADLAPATI VENKAT RAO: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government have decided to entrust certain ancillary functions of court to private parties; and

(b) if so, the details of functions to be entrusted to private parties?

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHY): (a) and (b) Carrying out functions, including ancillary functions, of courts is within the domain of courts which work under the